

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007-1581  
(212) 805-6325**

CHAMBERS OF  
COLLEEN McMAHON  
UNITED STATES DISTRICT JUDGE

14 July 2011

TO ALL COUNSEL IN: Picard v. UBS AG (11 Civ. 4212 and 11 Civ. 4213)  
FROM: Judge McMahon  
RE: Motion to Withdraw the Reference in LIF Case

**Counsel:**

We are printing out the complaint in the LIF case that was filed in the Bankruptcy Court, so I still have no idea how it differs from the complaint in the Luxalpha case. I see from a recent submission by UBS that there are overlapping allegations of background facts, but I really cannot figure out (1) why there are two lawsuits; (2) how the two lawsuits differ from one another (it does not help to tell me how these lawsuits differ from the JP Morgan case); and (3) whether the threshold issues of standing and SLUSA preemption also arise in the LIF action (if they do, the reference will plainly be withdrawn for the limited purpose of considering those issues).

The Trustee needs to address these issues in a letter brief by close of business on Friday.

I was not sufficiently clear in my original note to you folks. The only issues I am going to address at this point are standing and SLUSA preemption. We will take the rest as it comes, but I do not intend to consolidate UBS cases with JP Morgan case for all purposes. But the standing and SLUSA issues should all be considered at the same time, and on the same schedule.

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